

Message

**From:** Johnson, Barnes [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C39E9338CBF04DC3B4B29F78E5213303-JOHNSON, BARNES]  
**Sent:** 4/2/2019 7:09:16 PM  
**To:** Sasseville, Sonya [Sasseville.Sonya@epa.gov]; Mimi Guernica (Guernica.Mimi@epa.gov) [Guernica.Mimi@epa.gov]; Kohler, Amanda [Kohler.Amanda@epa.gov]; ORCR IO [ORCR\_IO@epa.gov]  
**CC:** Monell, Carol [Monell.Carol@epa.gov]; Hansen, Susan [Hansen.Susan@epa.gov]  
**Subject:** FW: WASCO LLC | North Carolina permitting matter at the Asheville Dyeing and Finishing Facility  
**Attachments:** Wasco - Senate Staff inquiry on an NC RCRA issue

## Ex. 5 Deliberative Process (DP)

### Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |  
[johnson.barnes@epa.gov](mailto:johnson.barnes@epa.gov) | [@EPALand](#)

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**From:** Wright, Peter  
**Sent:** Tuesday, April 02, 2019 1:11 PM  
**To:** Johnson, Barnes <[Johnson.Barnes@epa.gov](mailto:Johnson.Barnes@epa.gov)>  
**Cc:** Cook, Steven <[cook.steven@epa.gov](mailto:cook.steven@epa.gov)>; Breen, Barry <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>; Hilosky, Nick <[Hilosky.Nick@epa.gov](mailto:Hilosky.Nick@epa.gov)>; Brooks, Becky <[Brooks.Becky@epa.gov](mailto:Brooks.Becky@epa.gov)>; ORCR IO <[ORCR\\_IO@epa.gov](mailto:ORCR_IO@epa.gov)>  
**Subject:** Re: WASCO LLC | North Carolina permitting matter at the Asheville Dyeing and Finishing Facility

Barnes

They are with the same firm.

Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

Peter

Sent from my iPhone

On Apr 2, 2019, at 12:51 PM, Johnson, Barnes <[Johnson.Barnes@epa.gov](mailto:Johnson.Barnes@epa.gov)> wrote:

Thanks Peter,

Sounds good. No worries regarding the delay.

Just to clarify, is it the case that Senator Hutchinson and Ms. Rappold are affiliated with the same law firm? If so then I guess we can respond to both parties in the same letter.

**Barnes Johnson**

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**From:** Wright, Peter  
**Sent:** Tuesday, April 02, 2019 12:42 PM  
**To:** Johnson, Barnes <[Johnson.Barnes@epa.gov](mailto:Johnson.Barnes@epa.gov)>  
**Cc:** Cook, Steven <[cook.steven@epa.gov](mailto:cook.steven@epa.gov)>; Breen, Barry <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>; Hilosky, Nick <[Hilosky.Nick@epa.gov](mailto:Hilosky.Nick@epa.gov)>; Brooks, Becky <[Brooks.Becky@epa.gov](mailto:Brooks.Becky@epa.gov)>; ORCR IO <[ORCR\\_IO@epa.gov](mailto:ORCR_IO@epa.gov)>  
**Subject:** Re: WASCO LLC | North Carolina permitting matter at the Asheville Dyeing and Finishing Facility

Barnes

Thank you for sending this to us.

I will reply to Hutchinson and copy you. I will let him know you will be sending him a letter. I will make clear that the delay in a response was my fault.

Peter

Sent from my iPhone

On Apr 2, 2019, at 11:52 AM, Johnson, Barnes <[Johnson.Barnes@epa.gov](mailto:Johnson.Barnes@epa.gov)> wrote:

Dear Peter and Steven,

See the correspondence that just came in this morning related to WASCO.

As I recall and understand Peter had a discussion with Senator Hutchinson

## Ex. 5 Deliberative Process (DP)

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In the meantime I learned from R4 ORC at the recent R4 states meeting that WASCO did submit on for before February 28, 2019 a Part B permit application as they had been ordered by the NC Superior Court.

Please advise on next steps.

**Barnes Johnson**

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**From:** [rappoldb@gtlaw.com](mailto:rappoldb@gtlaw.com) <[rappoldb@gtlaw.com](mailto:rappoldb@gtlaw.com)>  
**Sent:** Tuesday, April 02, 2019 11:26 AM  
**To:** Breen, Barry <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>; Johnson, Barnes <[Johnson.Barnes@epa.gov](mailto:Johnson.Barnes@epa.gov)>

**Subject:** WASCO LLC | North Carolina permitting matter at the Asheville Dyeing and Finishing Facility

Dear Barry and Barnes –

Here's hoping this note finds both of you happy and well.

I am writing to follow up regarding the RCRA permitting issue at the Asheville Dyeing and Finishing ("AD&F") facility in Swannanoa, North Carolina.

As you may recall, we have written and met with the Agency regarding NCDEQ's insistence that my client, WASCO LLC ("WASCO"), obtain a RCRA Part B permit at AD&F for waste it never generated, stored, handled, treated or disposed; at a site it never owned; in a state where it has never done business or had any employees.

I am hoping you can shed some light on the Agency's position and share the timing of any expected communications with NCDEQ and/or WASCO. Having this information will help my client evaluate and prepare for its next steps regarding AD&F.

I know you have many competing demands on your time, so I appreciate your taking a few moments to update me on what to expect.

Thank you in advance, as always.

Kindest regards,

Bern

**Bernadette M. Rappold**  
Shareholder

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